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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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JAN 23 2004

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

International Bureau Seeks Comment on
Proposals to Permit Reducing Orbital Spacings
Between U.S. Direct Broadcast Satellites

Received
JAN 28 2004)
Policy Branch)
International Bureau)

Report No. SPB-196

COMMENTS OF BELL EXPRESSVU LP.

1. Bell ExpressVu LP ("ExpressVu" or "the Company") specific, direct interest in this matter stems from its status as a licensed Canadian satellite-based, direct to home ("DTH") service provider. This license is issued by the domestic broadcast regulator, the Canadian Radio-Television and Telecommunications Commission ("CRTC").
2. ExpressVu owns all the transponders on two satellites at 91° WL and 82° WL. These satellites are, in turn, owned and operated by Telesat Canada ("Telesat"). The agreements between ExpressVu and Telesat respecting these arrangements are also approved by the CRTC.
3. Nimiq 1 and Nimiq 2, the satellites at 91° WL and 82° WL, have been designed, deployed and operated pursuant to the International Telecommunications Union's ("ITU") Region 2 Plan. All of ExpressVu's satellite-based telecommunications network has been built on the basis of this plan. This network also includes the receive equipment for the company's 1.3 million customers.
4. ExpressVu supports fully the submission of Telesat. The company underscores two points made therein. First, any change to the ITU's Region 2 Plan which does not involve due international process would be unilateral. Second, the financial consequences of a change from 9 degree satellite spacing to 4.5 degree satellite

spacing would undermine billions of dollars of satellite-based infrastructure. Such unilateral action would be manifestly unfair to the satellite facilities and service providers who have relied on the ITU Region 2 Plan.

5. For all these reasons, ExpressVu respectfully submits that any changes to the ITU's Region 2 Plan should be made through the appropriate international process and must accommodate existing networks which have been built to support Broadcasting Satellite Service based on this Plan.

Respectfully submitted,

BELL EXPRESSVU LP.



By:

Chris Frank
Sr. Director, Regulatory and
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January 23, 2004

**For any questions concerning this submission,
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